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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,070	06/29/2000	Martin A. Yurjevich	1110-QA P98103US1A	7282

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 05/28/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/607,070

Applicant(s)

YURJEVICH ET AL.

Examiner

Justin R Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,7-17,21,22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-12,21,22 and 24-33 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claim 23 is cancelled per Amendment A on March 5, 2002.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 7-17, 21, 22, and 24-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 7-11, 21, 22, and 24-30, the language "the body ply" appears in claim 1 (line 6) and claim 9 (claims 6-7). However, the claims initially describe the carcass structure as having "at least one body ply". Thus, it is unclear which carcass ply is "the body ply". Based on the disclosure and the figures, it is the examiner's position that the sidewall inserts are disposed axially inward of the innermost carcass ply. Applicant is asked to clarify the carcass structure of the claimed invention without the introduction of new matter.

With respect to claims 12-17, 32, and 33, applicant describes the sidewall inserts as simply being disposed in the sidewall region. It is suggested that applicant include similar language (axially inward) to that of the independent claims to describe the specific positioning of the sidewall inserts and better define the scope of the claimed invention.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-11, 21, 22, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boileau (US 3,631,913, of record) in view of Spragg (US 5,769,980).

Boileau and Spragg are applied for the same reasons set forth in Paper Number 4, Paragraph 12. Regarding newly drafted claims 32 and 33, applicant requires, in addition to the cantilever construction, that the bead filler include an axially outer end that overlaps the position of at least a portion of the sidewall insert. As previously noted and best depicted in Figures 4-6, Boileau is directed to a pneumatic tire construction in which the bead filler extends over both the cantilever portion and the radial portion (sidewall portion) that extends from said cantilever portion. Thus, the use of a conventional sidewall insert inwardly of an innermost carcass ply, as evidenced by Spragg, in the tire design of Boileau would necessarily result in an overlap portion since one of ordinary skill in the art at the time of the invention would have expected the sidewall insert to extend over the entire sidewall portion (beneath tread to bead area).

6. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boileau and Spragg, as applied to claim 1 above, and further in view of Powers (US 3,392,772, of record). Boileau, Spragg, and Powers are applied for the same reasons set forth in Paper Number 4, Paragraph 13.

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7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boileau and Spragg, as applied to claim 1 above, and further in view of Hirayama (JP 63141809, of record).

8. Claims 1, 7-12, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paonessa (US 5,871,602, of record) in view of Boileau. Paonessa and Boileau are applied for the same reasons set forth in paper Number 4, Paragraph 15. With specific reference to claims 9-11, Paonessa clearly depicts (Figures 2A, 2B, 4, 5) a runflat construction in which the axially outer end of the bead portion is adjacent the radially inner end of the sidewall insert. As per claim 12, Paonessa, as best depicted in Figure 6, discloses a sidewall design in which the radially outer end of the bead filler is adjacent the radially outer end of the sidewall insert. Regarding newly drafted claims 32 and 33, it is also evident from the aforementioned figures that a degree of overlap is present between the bead filler and the sidewall insert.

9. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paonessa and Boileau, as applied to claim 1 above, and further in view of Spragg. Paonessa, Boileau, and Spragg are applied for the same reasons set forth in paper Number 4, Paragraph 16.

10. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paonessa, Boileau, and Spragg, as applied to claim 1 above, and further in view of Powers. Paonessa, Boileau, Spragg, and Powers are applied for the same reasons set forth in Paper Number 4, Paragraph 17.

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paonessa and Boileau, as applied to claim 1 above, and further in view of Hirayama.

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Paonessa, Boileau, and Hirayama are applied for the same reasons set forth in Paper Number 4, Paragraph 17.

***Allowable Subject Matter***

12. Claims 13-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. There was no reference in the prior art search that suggested a pneumatic, runflat tire construction having a pair of bead cores, a first and second carcass ply, and a first and second sidewall insert, in each respective sidewall portion, that are positioned axially inward of the innermost carcass ply, wherein (a) the sidewalls are constructed to include a cantilevered portion and a radial portion extending from said cantilevered portion, (b) the cantilevered portion includes a portion of the bead region, (c) the radially outer end of the bead portion is disposed adjacent the radially outer end of the sidewall insert, and (d) the second carcass ply is arranged as a "down carcass ply" in that the bead filler is sandwiched between the main portions of said first and second carcass ply.

***Response to Arguments***

13. Applicant's arguments filed March 5, 2002 have been fully considered but they are not persuasive. Regarding the use of Peda, applicant has amended the claim to require that the sidewall insert is positioned axially inward of the carcass structure. In describing the sidewall insert, Peda suggests a placement either between the carcass and the outermost sidewall rubber or alternatively between a first and second carcass. Thus, the reference fails to suggest an arrangement in accordance to the limitations of

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the claimed invention and as such, the rejection with respect to Peda has been withdrawn.

With respect to the use of Boileau in view of Spragg, applicant initially argues that Boileau fails to disclose a cantilever tire construction. However, as best depicted in Figures 4-6, the reference specifically describes two distinct portions of the sidewall, a first portion that is substantially straight and extends over a significant portion of the sidewall and a second portion that is strongly curved and extends over the bead region (Abstract). In this instance, the curved portion makes an extremely small angle (on the order of 5-10 degrees) with respect to the axial direction of the tire. It is noted that applicant has defined the cantilever portion in the claimed invention as forming an angle plus or minus 30 degrees with respect to the axial direction. Thus, it is the examiner's position that Boileau does disclose a cantilever tire construction, as there is nothing on the record to distinguish the tire structure of Boileau from the "cantilever structure" of the claimed invention. Applicant further argues that there is <sup>no</sup> motivation to modify the sidewall of Boileau, especially since the inclusion of a sidewall insert would defeat the purpose of the Boileau reference, that being the flexure of the sidewall at the location below the break point of the sidewall. However, this argument is not found to be persuasive since Boileau specifically suggests the use of localized reinforcement, such as hard rubber having a Shore A hardness of greater than 75 (Column 2, Lines 40-46). It is noted that this localized reinforcement has a hardness, and thus a modulus, that one of ordinary skill in the art at the time of the invention would have associated with a sidewall insert. Thus, although not specifically directed to a sidewall insert, it is evident that Boileau is directed to a cantilever tire construction having a hard rubber

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component/insert in the sidewall region. Therefore, the introduction of a sidewall, runflat insert would be expected to affect the rigidity of the sidewall to a similar extent of the hard rubber described by Boileau. As such, the placement of a crescent-shaped, sidewall insert in the cantilever tire construction of Boileau would have been readily appreciated by one of ordinary skill in the art at the time of the invention in order to impart a runflat capability to Boileau.

As to the rejection with Paonessa and Boileau, applicant states that there is no motivation for one of ordinary skill in the art to add a runflat sidewall insert to the Boileau reference. This argument is not commensurate with the rejection of claims 1, 7, 8, and 12-17 in Paper Number 4 since the rejection involves the modification of Paonessa, which contains a runflat sidewall insert, with the cantilever tire construction of Boileau. Therefore, Paonessa and Boileau have been applied above in an analogous manner to the rejection set forth in Paper Number 4.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(703) 605-4397**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.




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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Justin Fischer

May 23, 2002

  
Michael W. Ball  
Supervisory Patent Examiner  
Technology Center 1700